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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,152	11/25/2003	Charles H. Tabb	D/A136811	7034

25453 7590 05/18/2006

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ROCHESTER, NY 14644

EXAMINER

ROYER, WILLIAM J

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,152

Applicant(s)

TABB ET AL.

Examiner

William J. Royer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005 and 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/25/03 & 2/27/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Terminal Disclaimer

The terminal disclaimer filed on November 28, 2005 disclaiming the terminal portion of any patent granted on this application that would extend beyond the expiration date of US 6,735,399 B2 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Specification

The disclosure is objected to because of the following informalities:

In paragraph [0035], line 7, change "drum" to --- belt 20 ---.

Appropriate correction is required.

The abstract of the disclosure is objected to because of the inclusion of legal phraseology, i.e. comprising. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirst et al. Referring to the figures, Hirst et al disclose providing an image forming device 10 (i.e., machine; printing apparatus; printer apparatus) that includes a housing 11 to house various electronic components. The electronic components may include: a print

engine 12, a printer controller 13, a formatter 14 and an input 15 for receiving data to be printed. Further, a consumable device (i.e., replaceable sub-assembly; CRU; print cartridge; toner cartridge; customer replaceable unit) for the image forming device, such as a toner cartridge 18, is disclosed. The consumable device is provided with a storage element or memory device 19 (i.e., memory; CRUM), such as an EEPROM, affixed to or within the housing of the consumable device. It is noted that it is disclosed that other non-volatile memory devices will also work in place of the EEPROM. The memory device includes a memory segment 19e that provides storage space for new lookup tables (i.e., look up table of coefficient values), such as color lookup tables (i.e., estimated wear coefficients), to update the lookup tables in a microcomputer 30 of the image forming device. Furthermore, it is disclosed that normally factory installed lookup tables for the microcomputer are programmed into a ROM 32 at the time of manufacture. However, it is disclosed that an update to color lookup tables may be necessary as toner formulations are optimized because it is sometimes necessary to alter some or all of the electrographic printing parameters to take advantage of the new toner formulation (i.e., look up table of coefficient values relating to utilization of the replaceable sub-assembly responsive to a design variance). In order to update the factory installed lookup tables, new lookup tables are stored in memory segment 19e of the memory device and are uploaded into EEPROM 33 of the microcomputer of the image forming device. In this manner a user when replacing a used consumable device with a new one having updated lookup tables can introduce new lookup tables into an existing image forming device. Besides the above, Hirst et al disclose numerous

examples of consumable devices including: toner cartridges; photoconductors; developer assemblies; fuser assemblies; cleaning rollers; oiling rollers; transfer assemblies; transfer belts' gear trains; ribbons; ink cartridges; ink bladders; and print heads among others. Further, Hirst et al disclose that the image forming device may include: facsimile machines; thermal printers; impact printers; ink jet printers and virtually any other kind of device which uses expendable components to create images.

Response to Arguments

Applicant's arguments filed November 28, 2005 have been fully considered but they are not persuasive.

The applicant's argue that Hirst et al fails to teach the applicant's invention. The applicant's state that while Hirst et al may indeed employ some of the same elements, most essentially Hirst et al does not teach the same limitations or utilization of those elements and limitations as claimed by the Applicant. Further, it is argued that Hirst et al never contemplates that it may be desirable for a CRU design to vary over the course of time due to manufacturing changes or to solve post launch problems with either the CRU or a CRU and machine interaction. Furthermore, it is argued that Hirst et al never teaches providing a replaceable sub-assembly having stored within an upgrade of coefficient values relating to the utilization of the replaceable sub-assembly in a machine responsive to a design variance in the customer replaceable unit. Finally, the applicant's state that Hirst et al never provides the advancement of the art provided by

the Applicant. Applicants have not presented any arguments in response to the rejection of claims 2-23.

However, the examiner notes that Hirst et al teach that their invention employs a memory device to provide software updates or patches for software programs that allows device features to be added and altered and software bugs fixed. Further, it is noted that in column 2, lines 46-53, Hirst et al state that: "A specific example, is an update to the color lookup tables which control generation of specific color shades. As toner formulations are optimized it is sometimes necessary to alter some or all of the electrographic printing parameters to take advantage of the new toner formulation. Until now, there has been no convenient way to do this to an image forming device already in service." Clearly, the above described example illustrates that Hirst et al does in fact contemplate providing an upgrade responsive to a design variance in a customer replaceable unit, i.e., the alteration of some or all parameters to a new toner formulation is a change as a result of a design variance.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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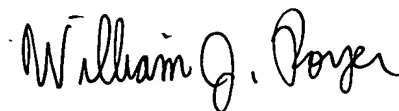
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Royer whose telephone number is (571) 272-2140. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William J. Royer
Primary Examiner
Art Unit 2852

wjr
May 8, 2006